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MAILED

APR 18 2012

OFFICE OF PETITIONS

In re Application :
Lin Wang et al. :
Application No. 10/687,471 : DECISION ON APPLICATION
Filed: October 15, 2003 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 8970-95071-US :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed March 2, 2012. Applicant requests that the determination of patent term adjustment be corrected from 1768 days to 2158 days.

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **TWO THOUSAND ONE HUNDRED FIFTY-EIGHT (2158)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 21, 2012, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 1765 days. The instant application for patent term adjustment was timely filed¹ on or before payment of the issue fee.

With respect to the patent term adjustment at the time of the mailing of the notice of allowance, applicants do not dispute 2175 days of Examination delay pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.702(a)(1) or 17 days of Applicant delay. However, with respect to the patent term adjustment at the time of the mailing of the notice of allowance, "Applicants believe that the Patent Office has incorrectly attributed a total of 410 days as Applicant Delays when this number should actually be only 17 days. Applicants filed the present application on October 15, 2003. On January 26, 2004, a Notice of Incomplete Nonprovisional Application was mailed by the Patent Office. On March 19, 2004, Applicants filed a Petition requesting withdrawal of the Notice of Incomplete Nonprovisional Application and according a filing date of October 15, 2003 for the Application. On May 24, 2004, the Office of Petitions issued a Decision granting

¹ PALM records indicate that the issue fee has not been paid yet.

the Petition and indicated that the Notice of Incomplete Nonprovisional Application was mailed in error such that it was withdrawn. Therefore, there was no Applicant Delay as the Notice of Incomplete Nonprovisional Application was mailed in error."

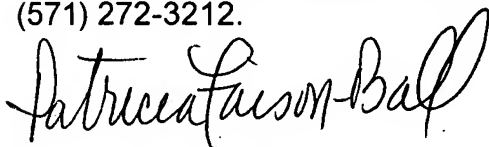
Applicant's arguments have been considered. Applicant's are correct, there is no basis for a reduction of 393 days as Applicant filed a complete reply in the form of a petition to the Notice within 3 months. A favorable decision on the petition was mailed on May 24, 2005. Thus, no action by applicant warranting entry of a period of reduction occurred on May 24, 2005.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 2158 days (2175 Examination delay days minus 17 Applicant delay days)

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Patricia Faison-Ball", written in a cursive style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PTA calculation



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 10687471 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10687471

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|-------------------------|------------|-------------------------------------------------|------|
| Application Filing Date | 10/15/2003 | OverLapping Days Between (A and B) or (A and C) | 0 |
| Issue Date of Patent | | Non-Overlapping USPTO Delays | 2175 |
| A Delays | 1251 | PTO Manual Adjustment | 393 |
| B Delays | 0 | Applicant Delay (APPL) | 410 |
| C Delays | 924 | Total PTA (days) | 2158 |

* - Sorted Column

File Contents History

| Action Number | Action Recorded Date | Action Due Date | Action Code | Action Description | Duration PTO | Duration APPL | Parent Action Number |
|---------------|----------------------|-----------------|-------------|---------------------------------------------------------------|--------------|---------------|----------------------|
| 104 | 04/17/2012 | | P028 | Adjustment of PTA Calculation by PTO | 393 | 0 | |
| 99 | 02/21/2012 | | MN/= | Mail Notice of Allowance | | 0 | |
| 98 | 02/17/2012 | | OAR | Office Action Review | | 0 | |
| 97 | 02/17/2012 | | OAR | Office Action Review | | 0 | |
| 96 | 02/17/2012 | | IREV | Issue Revision Completed | | 0 | |
| 92 | 02/16/2012 | | OAR | Office Action Review | | 0 | |
| 91 | 02/16/2012 | | ACRE | Allowed Case Returned to the Examiner for Clerical Processing | | 0 | |
| 90 | 02/16/2012 | | DVER | Document Verification | | 0 | |
| 89 | 02/16/2012 | | N/= | Notice of Allowance Data Verification Completed | | 0 | |
| 88 | 02/16/2012 | | EX.A | Examiner's Amendment Communication | | 0 | |
| 87 | 02/14/2012 | | CNTA | Allowability Notice | | 0 | |
| 86 | 01/10/2012 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 85 | 01/06/2012 | | A.QU | Response after Ex Parte Quayle Action | | 0 | |
| 84 | 01/06/2012 | | C602 | Oath or Declaration Filed (Including Supplemental) | | 0 | |
| 83 | 01/06/2012 | | MCTEQ | Mail Ex Parte Quayle Action (PTOL - 326) | | 0 | |
| 82 | 01/04/2012 | | OAR | Office Action Review | | 0 | |
| 81 | 01/03/2012 | | CTEQ | Quayle action | | 0 | |
| 80 | 12/06/2011 | | OAR | Office Action Review | | 0 | |
| 79 | 12/06/2011 | | OAR | Office Action Review | | 0 | |
| 73 | 09/28/2011 | 03/19/2009 | MAPDR | Mail BPAI Decision on Appeal - Reversed | 924 | 47 | |
| 72 | 09/27/2011 | | APDR | BPAI Decision - Examiner Reversed | | 0 | |
| 71 | 10/06/2010 | | DOCK | Case Docketed to Examiner in GAU | | 0 | |
| 68 | 02/22/2010 | | AP_DK_M | Docketing Notice Mailed to Appellant | | 0 | |
| 67 | 02/22/2010 | | APAS | Assignment of Appeal Number | | 0 | |
| 70 | 02/02/2010 | | LET. | Miscellaneous Incoming Letter | | 0 | |
| 66 | 02/01/2010 | | APWD | Appeal Awaiting BPAI Docketing | | 0 | |
| 65 | 01/27/2010 | | MRBNE | Mail Reply Brief Noted by Examiner | | 0 | |
| 64 | 01/25/2010 | | RBNE | Reply Brief Noted by Examiner | | 0 | |
| 63 | 01/22/2010 | | APRD | Order Returning Undocketed Appeal to the Examiner | | 0 | |
| 62 | 12/14/2009 | | APWD | Appeal Awaiting BPAI Docketing | | 0 | |
| 61 | 12/10/2009 | | ARBP | Appeal ready for BPAI review | | 0 | |
| 59 | 09/14/2009 | | PACC | Exam. Ans. Review Complete | | 0 | |
| 60 | 08/27/2009 | | LET. | Miscellaneous Incoming Letter | | 0 | |
| 58 | 08/27/2009 | | LET. | Miscellaneous Incoming Letter | | 0 | |
| 57 | 08/24/2009 | | MAPEA | Mail Examiner's Answer | | 0 | |
| 56 | 08/24/2009 | | APEA | Examiner's Answer to Appeal Brief | | 0 | |
| 55 | 06/19/2009 | | APBR | Appeal Brief Review Complete | | 0 | |
| 54 | 06/19/2009 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 52 | 05/27/2009 | | PA.. | Change In Power of Attorney (May Include Associate POA) | | 0 | |
| 51 | 05/22/2009 | | C.AD | Correspondence Address Change | | 0 | |
| 53 | 05/18/2009 | | AP.B | Appeal Brief Filed | | 0 | |
| 50 | 04/21/2009 | | MAPCP | Mail Appeals conf. Proceed to BPAI | | 0 | |
| 49 | 04/20/2009 | | APCP | Pre-Appeals Conference Decision - Proceed to BPAI | | 0 | |
| 48 | 03/19/2009 | | AP.C | Request for Pre-Appeal Conference Filed | | 0 | |
| 47 | 03/19/2009 | 03/02/2009 | N/AP | Notice of Appeal Filed | | 17 | 41 |
| 46 | 03/16/2009 | | MCTAV | Mail Advisory Action (PTOL - 303) | | 0 | |
| 45 | 03/15/2009 | | CTAV | Advisory Action (PTOL-303) | | 0 | |
| 44 | 03/06/2009 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 43 | 03/05/2009 | | A.NE | Amendment after Final Rejection | | 0 | |
| 42 | 03/05/2009 | | XT/G | Request for Extension of Time - Granted | | 0 | |
| 41 | 12/02/2008 | | MCTFR | Mail Final Rejection (PTOL - 326) | | 0 | |
| 40 | 11/24/2008 | | CTFR | Final Rejection | | 0 | |
| 39 | 09/18/2008 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 38 | 08/15/2008 | | A... | Response after Non-Final Action | | 0 | |
| 37 | 05/19/2008 | 12/15/2004 | MCTNF | Mail Non-Final Rejection | 1251 | 0.5 | |

| | | | | |
|------|------------|---------------------|-----------------------------------------------------------------|-------|
| 36 | 05/12/2008 | CTNF | Non-Final Rejection | 0 |
| 32 | 04/09/2008 | DOCK | Case Docketed to Examiner in GAU | 0 |
| 31 | 02/25/2008 | TI1050 | Transfer Inquiry to GAU | 0 |
| 30 | 01/23/2008 | DOCK | Case Docketed to Examiner in GAU | 0 |
| 29 | 01/22/2008 | DOCK | Case Docketed to Examiner in GAU | 0 |
| 28 | 12/06/2007 | TI1050 | Transfer Inquiry to GAU | 0 |
| 27 | 08/17/2007 | TI1050 | Transfer Inquiry to GAU | 0 |
| 26 | 07/24/2007 | TI1050 | Transfer Inquiry to GAU | 0 |
| 25 | 07/21/2007 | TI1050 | Transfer Inquiry to GAU | 0 |
| 24 | 05/18/2007 | TI1050 | Transfer Inquiry to GAU | 0 |
| 23 | 08/29/2006 | TSSCOMP | IFW TSS Processing by Tech Center Complete | 0 |
| 18 | 10/26/2005 | WROIPE | Application Return from OIPE | 0 |
| 17 | 10/26/2005 | COMP | Application Is Now Complete | 0 |
| 16 | 10/26/2005 | ROIPE | Application Return TO OIPE | 0 |
| 15 | 10/26/2005 | WROIPE | Application Return from OIPE | 0 |
| 14 | 10/26/2005 | COMP | Application Is Now Complete | 0 |
| 13 | 10/26/2005 | ROIPE | Application Return TO OIPE | 0 |
| 12 | 08/12/2005 | OIPE | Application Dispatched from OIPE | 0 |
| 11 | 08/12/2005 | COMP | Application Is Now Complete | 0 |
| 10 | 05/24/2005 | 04/26/2004 ADDFLFEE | Additional Application Filing Fees | 393 5 |
| 8 | 05/24/2004 | MP010 | Mail-Record Petition Decision of Granted Related to Filing Date | 0 |
| 95 | 04/05/2004 | IDSC | Information Disclosure Statement considered | 0 |
| 93 | 04/05/2004 | WIDS | Information Disclosure Statement (IDS) Filed | 0 |
| 33 | 04/05/2004 | IDSC | Information Disclosure Statement considered | 0 |
| 22 | 04/05/2004 | RCAP | Reference capture on IDS | 0 |
| 21.7 | 04/05/2004 | M844 | Information Disclosure Statement (IDS) Filed | 0 |
| 21 | 04/05/2004 | WIDS | Information Disclosure Statement (IDS) Filed | 0 |
| 20 | 03/19/2004 | A.PE | Preliminary Amendment | 0 |
| 7 | 03/19/2004 | PET. | Petition Entered | 0 |
| 5 | 01/26/2004 | INC/ | Notice of Incomplete Application - Filing Date Not Assigned | 0 |
| 4 | 01/09/2004 | L194 | Cleared by OIPE CSR | 0 |
| 3 | 01/09/2004 | CLSS | CASE CLASSIFIED BY OIPE | 0 |
| 2 | 12/02/2003 | SCAN | IFW Scan & PACR Auto Security Review | 0 |
| 19 | 10/15/2003 | A.PE | Preliminary Amendment | 0 |
| 9 | 10/15/2003 | DRAWING | Drawing Preliminary Amendment | 0 |
| 1 | 10/15/2003 | IEXX | Initial Exam Team nn | 0 |
| 0.5 | 10/15/2003 | EFILE | Filing date | 0 |

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